

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Larg Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
11658Z

Total Pages in this Submission

### TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**GENETIC SEQUENCES ENCODING FLAVONOID PATHWAY ENZYMES AND USES THEREFOR**

22386 U.S. PTO  
10/669962

09/24/03

and invented by:

Filippa Brugliera  
Timothy Albert Holton  
Michael Zenon Michael

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/142,108

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 117 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Larg Entity)**

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets      25 (Figs. 1-20 (v))
- b. ☐ Informal                      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☒ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ Paper
- c. ☒ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class    ☒ Express Mail *(Specify Label No.):* EV247989628US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
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*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Accompanying Application Parts (Continued)**

17. ☒ Additional Enclosures *(please identify below)*:

Request to Use Computer Readable Form of Sequence Listing From Another Application...  
Copy of Certificate of Facsimile (from parent case)  
Copy of Petition for Extension of Time (from parent case)

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

17189 U.S. PTO  
09/24/03

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
11658Z

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[19] Correspondence Address

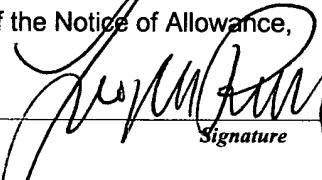
Customer Number: 23389

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	41	- 20 =	21	x \$18.00	\$378.00
Ind p. Claims	8	- 3 =	5	x \$84.00	\$420.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$280.00
BASIC FEE					\$750.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,828.00

- ☒ A check in the amount of **\$1,828.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

Dated: September 24, 2003

Leopold Presser  
Registration No. 19,827

cc: LP/XZ:ab

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Filippa Brugliera, et al.**

Docket No.

**11658Z**Serial No.  
To Be AssignedFiling Date  
HerewithExaminer  
UnassignedGroup Art Unit  
UnassignedInvention: **GENETIC SEQUENCES ENCODING FLAVONOID PATHWAY ENZYMES AND USES THEREFOR**

I hereby certify that the following correspondence:

New Utility Patent Application (Continuation)

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 24, 2003*(Date)*Leopold Presser*(Typed or Printed Name)*  
*(Signature)*EV247989628US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

**Applicant(s):** **Filippa Brugliera, et al.**

Docket No.

11658

Serial No.

**09/142,108**

Filing Date

**March 29, 1999**

Examiner

A. Nelson

Group Art Unit

1638

**Invention: NUCLEIC ACID SEQUENCES ENCODING FLAVONOID 3'-HYDROXYLASE AND METHODS OF ALTERING FLOWER COLOR THEREWITH**

*(Identify type of correspondence)*

on **September 24, 2003**

**(Date)**

(Typed or Printed Name)

*(Signature)*

**Note: Each paper must have its own certificate of mailing.**

- COPY -

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
11658

In Re Application Of: **Filippa Brugliera, et al.**

Serial No.  
09/142,108

Filing Date  
March 29, 1999

Examiner  
A. Nelson

Group Art Unit  
1638

Invention: **NUCLEIC ACID SEQUENCES ENCODING FLAVONOID 3'-HYDROXYLASE AND METHODS  
OF ALTERING FLOWER COLOR THEREWITH**

- COPY -

TO THE COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of August 14, 2002 in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

\* ☐ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☒ Five months

\* from: April 24, 2003 until: September 24, 2003  
*Date* *Date*

\* Two month extension of time paid by check on 6/11/03 in the amount of \$410.00

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	56 -	41 =	15	x \$18.00	\$270.00
INDEP. CLAIMS	24 -	8 =	16	x \$84.00	\$1,344.00
FEE FOR AMENDMENT					\$1,614.00
FEE FOR EXTENSION OF TIME					\$1,560.00
<b>TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME</b>					<b>\$3,174.00</b>

- COPY -

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
**11658**

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of **\$0.00** for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. **19-1013/SSMP** in the amount of **\$3,174.00**
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**

- COPY -

Dated: **September 24, 2003**

Signature

Frank S. DiGiglio  
Registration No. 31,346  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

EXTENSION Fee  
MAILED (via Facsimile)  
with ORIGINAL  
EOT by (Facsimile)  
under 37CFR(1.8)

- COPY -  
I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc: FSD/XZ:ab